

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRAHAM CHASE ROBINSON

Plaintiff,

v.

**ROBERT DE NIRO and
CANAL PRODUCTIONS, INC.,**

Defendants.

Case No. 1:19-cv-09156-LJL-KHP

**DECLARATION OF ALEXANDRA HARWIN, ESQ. IN SUPPORT OF
PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS WITHHELD
BY DEFENDANTS ON CLAIM OF PRIVILEGE**

ALEXANDRA HARWIN, Esq. hereby declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney with the law firm of Sanford Heisler Sharp, LLP, which is counsel to Plaintiff Graham Chase Robinson ("Plaintiff") in the above-captioned matter. I am fully familiar with the pleadings and proceedings in this action and with the matters set forth herein.
2. I submit this Declaration in support of Plaintiff's Motion to Compel Production of Documents Withheld by Defendants on Claim of Privilege.
3. Plaintiff's counsel repeatedly sought privilege logs from Defendants, including via email on March 25, 2021, June 10, 2021, July 13, 2021, and July 27, 2021, and during meet-and-confer teleconferences on April 6, 2021, June 15, 2021, and July 16, 2021.
4. On July 27, 2021, sixteen (16) months after their initial production of documents, Defendants produced their first privilege log in this case. Defendants later withdrew this log.

5. Exhibit 1 is a true and correct copy of the privilege log that Defendants produced on October 29, 2021. Exhibits 2 and 3 are true and correct copies of the privilege logs that Defendants produced on November 5, 2021.

6. Attached as Exhibit 4 is a true and correct copy of correspondence sent by Defendants' counsel Gregory Bennett on November 30, 2021 concerning the privilege logs.

7. Attached as Exhibit 5 is a demonstrative exhibit listing the non-attorneys identified in Defendants' operative privilege logs and identifying their perceived relationship to Defendants, based on public information or information known to Plaintiff.

8. Attached as Exhibit 6 is a true and correct copy of Defendants' Initial Disclosures dated February 13, 2020, with all but the last four digits of an account number redacted pursuant to Fed. R. Civ. P. 5.2(a).

9. Attached as Exhibit 7 is a true and correct copy of an excerpt of the transcript of the deposition of Plaintiff Graham Chase Robinson taken on December 20, 2021.

10. Attached as Exhibit 8 is a true and correct copy of a series of text messages involving Canal employee Michael Kaplan dated August 20, 2019, as produced by Defendants at CANAL_0049479-CANAL_0049481.

11. Attached as Exhibit 9 is a true and correct copy of a series of text messages involving Canal employee Michael Kaplan dated August 19, 2019, as produced by Defendants at CANAL_0047780-CANAL-0047781.


12. Attached as Exhibit 10 is a true and correct copy of a series of text messages involving Canal employees Michael Kaplan, Gillian Spear, and Sabrina Weeks-Brittan dated August 15-16, 2019, as produced by Defendants at CANAL_0048105-CANAL_0048109.

13. In accordance with Fed. R. Civ. P. 37(a)(1) and L. Civ. R. 37.2, the undersigned certifies that she has engaged in good faith efforts to try and resolve the issues referred to in the instant motion. This has included multiple telephonic meet-and-confers with Defendants, including on December 2, 2021, December 14, 2021, December 29, 2021, and January 4, 2022, and in correspondence to Defendants' counsel on November 18, 2021 and December 22, 2021.

14. On January 4, 2022, Defendants' counsel Gregory Bennett confirmed that Defendants continue to withhold communications that do not include attorneys as participants.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 7, 2022.



Alexandra Harwin